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15 **UNITED STATES BANKRUPTCY COURT**

16 **CENTRAL DISTRICT OF CALIFORNIA**

17 **LOS ANGELES DIVISION**

18 In re

19 Case No. 2:18-bk-15829-NB

20 PHILIP JAMES LAYFIELD,

21 Chapter 7

22 Debtor.

23 **LIMITED OPPOSITION TO MOTION FOR
24 RELIEF FROM THE AUTOMATIC STAY
25 UNDER 11 U.S.C. § 362 (ACTION IN
26 NONBANKRUPTCY FORUM)**

27 **DATE: July 9, 2019**

28 **TIME: 10:00 a.m.**

1 **PLACE: Courtroom 1545
2 255 E. Temple Street
3 Los Angeles, California 90012**

1 **TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE:**

2 Wesley H. Avery, the duly appointed and acting chapter 7 trustee (the "Trustee") for
3 the bankruptcy estate of Philip James Layfield (the "Debtor") hereby submits this *Limited*
4 *Opposition* ("Limited Opposition") to the *Motion for Relief from the Automatic Stay Under*
5 *11 U.S.C. § 362 (Action in Nonbankruptcy Forum)* (the "Motion") filed by creditor Daniel
6 Tontini on June 18, 2019 [Docket No. 230].

7 The Trustee opposes the relief requested in the Motion as there is no benefit to the
8 relief and relief will only harm the estate. The Trustee would be forced to litigate the state
9 court action, against the best interests of the estate. The Trustee does not believe that
10 there is a need to litigate the underlying action. The Trustee does not oppose the Motion
11 so long as there is no finding of collateral estoppel against the Trustee because the
12 Trustee believes that the creditor, Daniel Tontini, can merely file a proof of claim.

13
14 Dated: June 27, 2019

WEILAND GOLDEN GOODRICH LLP

15
16 By: /s/ Jeffrey I. Golden
17 JEFFREY I. GOLDEN
18 Special Counsel for Chapter 7 Trustee,
19 Wesley H. Avery

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**650 Town Center Drive, Suite 600
Costa Mesa, California 92626**

A true and correct copy of the foregoing document entitled (*specify*): Limited Opposition to Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (Action in Nonbankruptcy Forum)

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) June 27, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) June 27, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

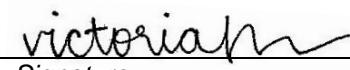
3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) June 27, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

6/27/2019
Date

Victoria Rosales
Printed Name


Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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